IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.612 OF 2006

IN

WRIT PETITION NO.1712 of 2002

Smt.Sushilabai B. Chanshetti
and Ors. .. Applicants

Versus

Smt.Aruna Dattatray Itai .. Respondent

Mr.Surel S. Shah for applicants

Mr.Kanetkar with G.S.Godbole for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th February 2006.

P.C.

. Heard Mr.Shah for applicants and Mr.Kanetkar for original appellants.

2. After having heard them, it is not possible to accept the contention that the agreement between the applicants inter se be allowed to be acted upon even in respect of portion of the suit property. The suit property being entire 4950 sq.mtrs. and that being subject matter of the suit from which the first appeal arises, no modification can be granted at this stage.

3. However, considering the fact that the applicants are prejudiced by interim order, hearing of first appeal is expedited. Liberty to apply after paperbook is ready.

(S.C.DHARMADHIKARI, J)